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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 DEREK KURT HEGGSTROM,

10 Plaintiff,

11 v.

12 NANCY A. BERRYHILL,
13 Acting Commissioner of
Social Security,

14 Defendant.

Case No. 3:16-cv-00720-MMD-WGC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
WILLIAM G. COBB

15 Before the Court is Magistrate Judge William G. Cobb's Report and
16 Recommendation ("R&R") (ECF No. 19). Plaintiff had until October 18, 2017 to object
17 (ECF No. 19). To date, no objection has been filed.

18 This Court "may accept, reject, or modify, in whole or in part, the findings or
19 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party
20 timely objects to a magistrate judge's report and recommendation, then the court is
21 required to "make a *de novo* determination of those portions of the [report and
22 recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails
23 to object, however, the court is not required to conduct "any review at all . . . of any issue
24 that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed,
25 the Ninth Circuit has recognized that a district court is not required to review a magistrate
26 judge's report and recommendation where no objections have been filed. *See United*
27 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
28 employed by the district court when reviewing a report and recommendation to which no

1 objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.
2 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that
3 district courts are not required to review "any issue that is not the subject of an objection").
4 Thus, if there is no objection to a magistrate judge's recommendation, then the court may
5 accept the recommendation without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at 1226
6 (accepting, without review, a magistrate judge's recommendation to which no objection
7 was filed).


8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review in order
9 to determine whether to adopt the R&R. Upon review of the R&R and the records in this
10 case, the Court finds good cause to adopt the R&R in full.

11 It is hereby ordered that the R&R (ECF No. 18) is accepted and adopted.

12 It is further ordered that the case is dismissed without prejudice.

13 The Clerk is directed to close this case.

14 DATED THIS 20th day of October 2017.

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17 MIRANDA M. DU
18 UNITED STATES DISTRICT JUDGE
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